

# UNITED STATES BANKRUPTCY COURT

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF NEW YORK

In re Richard J McAndrew ;  
Debtor

Case No. 14-12422

Chapter 13

## Notice of Mortgage Payment Change

If you file a claim secured by a security interest in the debtor's principal residence provided for under the debtor's plan pursuant to § 1322(b)(5), you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc.

Court claim no. (if known):

Last four digits of any number you use to identify the debtor's account: XXX4874

Date of payment change:  
Must be at least 21 days after date of this notice 01/01/2015

New total payment:  
Principal, interest, and escrow, if any \$ 2,476.26

### Part 1: Escrow Account Payment Adjustment

Will there be a change in the debtor's escrow account payment?

☐ No

☒ Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why:

Current escrow payment: \$ 694.84

New escrow payment: \$ 819.78

### Part 2: Mortgage Payment Adjustment

Will the debtor's principal and interest payment change based on an adjustment to the interest rate in the debtor's variable-rate note?

☒ No

☐ Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: \_\_\_\_\_

Current interest rate: 0.0000 %

New interest rate: 0.0000 %

Current principal and interest payment: \$ 0.00

New principal and interest payment: \$ \_\_\_\_\_

### Part 3: Other Payment Change

Will there be a change in the debtor's mortgage payment for a reason not listed above?

☒ No

☐ Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: \_\_\_\_\_

Current mortgage payment: \$ \_\_\_\_\_

New mortgage payment: \$ \_\_\_\_\_

#### Part 4: Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this Supplement applies.

Check the appropriate box.

☐ I am the creditor. ☒ I am the creditor's authorized agent.  
(Attach copy of power of attorney, if any.)

I declare under penalty of perjury that the information provided in this Notice is true and correct to the best of my knowledge, information, and reasonable belief.

X   
Signature

Date December 5 2014

Print: Eric Sheidlower  
First Name Middle Name Last Name

Title Authorized Agent

Company Rosicki, Rosicki & Associates, P.C.

Address 51 E. Bethpage Road  
Number Street  
Plainview NY 11803  
City State ZIP Code

Contact phone (516) 741-2585

Email esheidlower@rosicki.com

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Mortgage Payment Change has been served via Electronic Case Filing on the following parties:


Stephen T. Rodriguez, Esq.

Andrea E. Celli, Esq.

U.S. Trustee

I hereby certify that a copy of the foregoing Notice of Mortgage Payment Change has been served via first class mail on the following parties:

Richard J McAndrew ;  
133 Nelson Avenue  
Saratoga Springs, NY 12866

  
December 2014

  
Alicia McNamee

**seterus**Representation of Printed Document  
Document Page 4 of 6Business Hours (Pacific Time)  
Monday-Thursday 5 a.m. to 8 p.m.  
Friday 5 a.m. to 6 p.m.  
Phone 866.570.5277

PO Box 2008, Grand Rapids, MI 49501-2008

MCANDREW, RICHARD J  
C/O JERROLD W BARTMAN  
PO BOX 12099  
ALBANY NY 12212-2099**ESCROW ACCOUNT STATEMENT**Analysis Date: 11/18/14  
Loan Number:  
Escrow Account Number:

Current Payment		NEW PAYMENT Effective 01/01/15	
Principal and Interest	\$1,656.48	Principal and Interest*	\$1,656.48
Escrow	\$694.84	Escrow	\$819.78
Total Current Payment	\$2,351.32	Total NEW Payment*	\$2,476.26

\* The principal and interest payments reflect the contractual amount due under the note, which can be modified with a mutually agreed upon payment plan. In addition, the new principal and interest payment and the total new payment may not reflect any changes due to interest rate adjustments. You will receive a separate notice for interest rate adjustments.

**NEW MORTGAGE PAYMENT NOTICE AND ESCROW ACCOUNT DISCLOSURE STATEMENT**

Seterus, Inc. is the servicer of the above referenced loan. In accordance with federal guidelines, your escrow account is reviewed at least once a year to determine if sufficient funds are available to pay your taxes and/or insurance. Your escrow payment will be a minimum of the total anticipated disbursements divided by the number of scheduled installments due in the next 12 months. This payment will increase if you have a post-petition shortage or deficiency. This statement provides a history of actual escrow account activity and a projection of the escrow account activity for the next 12 months.

Our records indicate a petition for Bankruptcy was filed on 10/31/14. Pursuant to that petition, we have filed a proof of claim with the Bankruptcy court. Any deficiency and/or shortage listed under the Proof of Claim section will be excluded from your future scheduled escrow payment as these amounts will be added to your pre-petition arrearage and collected in your bankruptcy plan payment.

ANTICIPATED DISBURSEMENTS		ESCROW ACCOUNT PROJECTIONS FOR THE NEXT 12 MONTH ESCROW CYCLE			
January 2015 to December 2015		Anticipated Activity			
		Payments to Escrow	Payments from Escrow	Description	Projected Balance
Taxes	8,357.88				
Insurance	1,479.45				
PMI	0.00				
Total Disbursements	9,837.33				
Bankruptcy File Date	10/31/14				
Proof of Claim Escrow Balance					
Pre-Petition Escrow Deficiency	\$30,659.66				
Pre-Petition Escrow Shortage	\$1,824.73				
Total Escrow POC	\$32,484.39				
Payments Applied	\$0.00				
Remaining Escrow Balance					
Pre-Petition Escrow Deficiency	\$30,659.66				
Pre-Petition Escrow Shortage	\$1,824.73				
*Escrow Balance adjusted by proof of claim amounts		A deficiency occurs if the escrow account has a negative balance. The pre-petition deficiency is accounted for on the POC and will be collected as part of your pre-petition plan payment.			
**Beginning balance = Starting balance less any unpaid escrow disbursements due in the prepaid period		An escrow shortage occurs when there is a zero or positive balance in the escrow account but not enough to pay the estimated items and any additional reserve deposits that need to be paid during the next 12 months. This pre-petition shortage is accounted for on the POC and will be collected as part of your pre-petition plan payment.			
		The projected beginning balance (expected balance in your escrow account) is \$2,265.59. Your required escrow balance according to this analysis should be \$1,566.65. This means you have a surplus of \$698.94. Since your loan is 30 days or more delinquent, the amount of surplus will remain in your escrow account. If you reinstate or bring your loan current, we will conduct another analysis of your escrow account within 90 days. If your loan is current and there is a surplus of \$50.00 or more in the escrow account at that time, we will send you a refund for that amount.			

\*\*\*Continued\*\*\*

### ESCROW ACCOUNT HISTORY

This is a statement of actual activity in your escrow account from September 2010 to December 2014. This history compares the projections from your last escrow analysis or initial disclosure and the actual activity in your account. If a prior escrow analysis was not conducted during this historical period, the projected escrow balance will be zero.

ACTUAL ESCROW ACCOUNT HISTORY						
Beginning Balance Date	Payments to Escrow		Payments from Escrow		Escrow Balance	
	Projected	Actual	Projected	Actual	Projected	Actual
						\$851.47
09/01/10	753.55	2.68 *	0.00	0.00	-618.65	854.15
09/08/10	0.00	695.76 *	0.00	0.00	-618.65	1,549.91
09/10/10	0.00	-825.09 *	0.00	0.00	-618.65	724.82
09/22/10	0.00	0.00	0.00	2,145.17 * SCHOOL TAX	-618.65	-1,420.35
09/24/10	0.00	753.55 *	0.00	0.00	-618.65	-666.80
10/01/10	753.55	0.98 *	0.00	0.00	134.90	-665.82
10/11/10	0.00	753.55 *	0.00	0.00	134.90	87.73
11/01/10	694.84	0.10 *	0.00	0.00	829.74	87.83
11/16/10	0.00	694.84 *	0.00	756.04 * CITY PROPERTY TAX	829.74	26.63
12/01/10	694.84	0.09 *	756.04	0.00 * CITY PROPERTY TAX	768.54	26.72
12/13/10	0.00	694.84 *	0.00	0.00	768.54	721.56
01/01/11	694.84	0.77 *	0.00	0.00	1,463.38	722.33
01/11/11	0.00	0.00	0.00	2,145.16 * SCHOOL TAX	1,463.38	-1,422.83
01/17/11	0.00	694.84 *	0.00	0.00	1,463.38	-727.99
02/01/11	694.84	0.40 *	2,097.02	0.00 * SCHOOL TAX	61.20	-727.59
02/15/11	0.00	0.00	0.00	876.59 * CITY PROPERTY TAX	61.20	-1,604.18
02/16/11	0.00	694.84 *	0.00	0.00	61.20	-909.34
03/01/11	694.84	0.00 *	756.04	0.00 * CITY PROPERTY TAX	0.00	-909.34
03/14/11	0.00	694.84 *	0.00	0.00	0.00	-214.50
04/01/11	694.84	0.00 *	0.00	0.00	694.84	-214.50
05/01/11	694.84	0.00 *	0.00	0.00	1,389.68	-214.50
05/10/11	0.00	0.00	0.00	876.58 * CITY PROPERTY TAX	1,389.68	-1,091.08
05/23/11	0.00	694.84 *	0.00	0.00	1,389.68	-396.24
06/01/11	694.84	0.00 *	756.04	0.00 * CITY PROPERTY TAX	1,328.48	-396.24
07/01/11	694.84	0.00 *	0.00	0.00	2,023.32	-396.24
07/28/11	0.00	694.84 *	0.00	1,214.29 * HAZARD INSURANCE	2,023.32	-915.69
08/01/11	694.84	0.00 *	0.00	0.00	2,718.16	-915.69
08/15/11	0.00	0.00	1,119.88	0.00 * HAZARD INSURANCE	1,598.28	-915.69
08/17/11	0.00	0.00	0.00	876.58 * CITY PROPERTY TAX	1,598.28	-1,792.27
09/01/11	694.84	0.00 *	756.04	0.00 * CITY PROPERTY TAX	1,537.08	-1,792.27
09/20/11	0.00	559.78 *	0.00	0.00	1,537.08	-1,232.49
09/21/11	0.00	0.00	0.00	2,137.95 * SCHOOL TAX	1,537.08	-3,370.44
10/01/11	694.84	0.00 *	2,097.02	0.00 * SCHOOL TAX	134.90	-3,370.44
11/01/11	694.84	694.84	0.00	0.00	829.74	-2,675.60
11/21/11	0.00	0.00	0.00	876.58 * CITY PROPERTY TAX	829.74	-3,552.18
12/01/11	694.84	694.84	0.00	0.00	1,524.58	-2,857.34
12/30/11	0.00	694.84 *	0.00	0.00	1,524.58	-2,162.50
01/01/12	694.84	0.00 *	0.00	0.00	2,219.42	-2,162.50
01/17/12	0.00	0.00	0.00	2,137.94 * SCHOOL TAX	2,219.42	-4,300.44
02/01/12	694.84	0.00 *	0.00	0.00	2,914.26	-4,300.44
02/15/12	0.00	0.00	0.00	903.21 * CITY PROPERTY TAX	2,914.26	-5,203.65
03/01/12	694.84	0.00 *	0.00	0.00	3,609.10	-5,203.65
04/01/12	694.84	0.00 *	0.00	0.00	4,303.94	-5,203.65
05/01/12	694.84	0.00 *	0.00	0.00	4,998.78	-5,203.65
05/16/12	0.00	0.00	0.00	903.22 * CITY PROPERTY TAX	4,998.78	-6,106.87
06/01/12	694.84	0.00 *	0.00	0.00	5,693.62	-6,106.87
07/01/12	694.84	0.00 *	0.00	0.00	6,388.46	-6,106.87
08/01/12	694.84	0.00 *	0.00	0.00	7,083.30	-6,106.87
08/06/12	0.00	0.00	0.00	1,270.54 * HAZARD INSURANCE	7,083.30	-7,377.41
08/16/12	0.00	0.00	0.00	903.22 * CITY PROPERTY TAX	7,083.30	-8,280.63
09/01/12	694.84	0.00 *	0.00	0.00	7,778.14	-8,280.63
09/20/12	0.00	0.00	0.00	2,215.48 * SCHOOL TAX	7,778.14	-10,496.11
10/01/12	694.84	0.00 *	0.00	0.00	8,472.98	-10,496.11
11/01/12	694.84	0.00 *	0.00	0.00	9,167.82	-10,496.11
11/16/12	0.00	0.00	0.00	903.22 * CITY PROPERTY TAX	9,167.82	-11,399.33
12/01/12	694.84	0.00 *	0.00	0.00	9,862.66	-11,399.33
01/01/13	694.84	0.00 *	0.00	0.00	10,557.50	-11,399.33
01/17/13	0.00	0.00	0.00	2,215.48 * SCHOOL TAX	10,557.50	-13,614.81
02/01/13	694.84	0.00 *	0.00	0.00	11,252.34	-13,614.81
02/19/13	0.00	0.00	0.00	905.82 * CITY PROPERTY TAX	11,252.34	-14,520.63
03/01/13	694.84	0.00 *	0.00	0.00	11,947.18	-14,520.63
04/01/13	694.84	0.00 *	0.00	0.00	12,642.02	-14,520.63
05/01/13	694.84	0.00 *	0.00	0.00	13,336.86	-14,520.63
05/16/13	0.00	0.00	0.00	905.84 * CITY PROPERTY TAX	13,336.86	-15,426.47
06/01/13	694.84	0.00 *	0.00	0.00	14,031.70	-15,426.47
07/01/13	694.84	0.00 *	0.00	0.00	14,726.54	-15,426.47
08/01/13	694.84	0.00 *	0.00	0.00	15,421.38	-15,426.47
08/05/13	0.00	0.00	0.00	1,326.78 * HAZARD INSURANCE	15,421.38	-16,753.25
08/19/13	0.00	0.00	0.00	905.84 * CITY PROPERTY TAX	15,421.38	-17,659.09
09/01/13	694.84	0.00 *	0.00	0.00	16,116.22	-17,659.09
09/17/13	0.00	0.00	0.00	2,257.40 * SCHOOL TAX	16,116.22	-19,916.49
10/01/13	694.84	0.00 *	0.00	0.00	16,811.06	-19,916.49
11/01/13	694.84	0.00 *	0.00	0.00	17,505.90	-19,916.49

ACTUAL ESCROW ACCOUNT HISTORY						
Date	Payments to Escrow		Payments from Escrow		Description	Escrow Balance
	Projected	Actual	Projected	Actual		Projected Actual
11/21/13	0.00	0.00	0.00	905.84 *	CITY PROPERTY TAX	17,505.90 -20,822.33
12/01/13	694.84	0.00 *	0.00	0.00		18,200.74 -20,822.33
01/01/14	694.84	0.00 *	0.00	0.00		18,895.58 -20,822.33
01/20/14	0.00	0.00	0.00	2,257.39 *	SCHOOL TAX	18,895.58 -23,079.72
02/01/14	694.84	0.00 *	0.00	0.00		19,590.42 -23,079.72
02/21/14	0.00	0.00	0.00	3,795.28 *	CITY PROPERTY TAX	19,590.42 -26,875.00
03/01/14	694.84	0.00 *	0.00	0.00		20,285.26 -26,875.00
04/01/14	694.84	0.00 *	0.00	0.00		20,980.10 -26,875.00
05/01/14	694.84	0.00 *	0.00	0.00		21,674.94 -26,875.00
06/01/14	694.84	0.00 *	0.00	0.00		22,369.78 -26,875.00
07/01/14	694.84	0.00 *	0.00	0.00		23,064.62 -26,875.00
08/01/14	694.84	0.00 *	0.00	0.00		23,759.46 -26,875.00
08/04/14	0.00	0.00	0.00	1,479.45 *	HAZARD INSURANCE	23,759.46 -28,354.45
09/01/14	694.84	0.00 *	0.00	0.00		24,454.30 -28,354.45
09/15/14	0.00	0.00	0.00	2,305.21 *	SCHOOL TAX	24,454.30 -30,659.66
10/01/14	694.84	0.00 *	0.00	0.00		25,149.14 -30,659.66
11/01/14	694.84	694.84	0.00	948.82 *	EST: CITY PROPERTY T	25,843.98 -30,913.64
12/01/14	694.84	694.84	0.00	0.00	EST:	26,538.82 -30,218.80
Total	\$36,249.10	\$10,280.65	\$8,338.08	\$41,350.92		

An asterisk (\*) indicates a difference from a previous estimate either in the date or the amount.

Your escrow balance as of 10/31/14 was \$-30,659.66. Your scheduled payment was \$2,351.32 of which \$1,656.48 was for principal and/or interest and \$694.84 went into your escrow account. Your lowest escrow account balance was \$-30,913.64. The interest you have earned on your escrow account year to date is \$0.00.

Seterus is obligated to make all payments for taxes for which the real property tax escrow account is maintained. If any such payments are not timely, Seterus, Inc. is responsible for making such payments including any penalties and interest.

You are obligated to pay one-twelfth of the taxes each month to Seterus which will be deposited into the real property tax escrow account, unless there is a deficiency or surplus in the account, in which case a greater or lesser amount may be required.

Seterus must deposit funds from a real property tax escrow account of a mortgagor in a banking institution whose deposits are insured by a federal agency or a licensed branch of a foreign banking corporation whose deposits are insured by a federal agency.

Seterus cannot impose any fees relating to the maintenance of the real property tax escrow account.

**NOTE** – This analysis was prepared in advance of the escrow payment change date. Therefore, the projected beginning balance for the next 12 months estimates that you have paid all the required scheduled installments as shown in your actual account history and that all scheduled disbursements have been made from your escrow account.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS LETTER IS NOT AN ATTEMPT TO COLLECT THE DEBT, BUT NOTICE OF POSSIBLE ENFORCEMENT OF OUR LIEN AGAINST THE COLLATERAL PROPERTY. **COLORADO:** FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE [WWW.COLORADOATTORNEYGENERAL.GOV/CA](http://WWW.COLORADOATTORNEYGENERAL.GOV/CA) Seterus, Inc. maintains a local office at 355 Union Boulevard, Suite 250, Lakewood, CO 80228. The office's phone number is 888.738.5576. **NEW YORK CITY:** 1411669, 1411665, 1411662. **TENNESSEE:** This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. Seterus, Inc. is licensed to do business at 14523 SW Millikan Way, Beaverton, OR.